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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHN LAUREANO,

Plaintiff,

-against-

GMB RESTAURANT, INC., a New York corporation,  
d/b/a STEP IN, and PPC COMMERCIAL, LLC, a  
Delaware limited liability company,

Defendants.

1:22-cv-9213-MKV

ORDER OF DISMISSAL

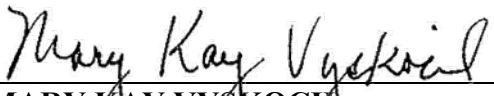
MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this action by filing a complaint on October 27, 2022. [ECF No. 1]. Affidavits of service of summons and complaint were filed on the docket on December 17, 2022. [ECF Nos. 7, 8]. According to those summons, Defendants' responses to the complaint were due December 22, 2022. [ECF No. 5, 6]. When no responses were timely filed, and Plaintiff failed to prosecute his case, the Court ordered Plaintiff to file a letter by January 18, 2023 showing cause why this case should not be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. [ECF No. 9]. To date, no letter has been filed.

Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by February 23, 2023. If no such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

**SO ORDERED.**

**Date: January 23, 2023**  
**New York, NY**

  
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**MARY KAY VYSKOCIL**  
**United States District Judge**